

# Staff Report



## **Zoning Case ZA10-4 (Moreno House)**

City Council Meeting Date: 9-28-10

Document Being Considered: Ordinance

### **RECOMMENDATION**

Approve an ordinance changing the zoning classification on property at 211 West North Street from "MF22" (Multi-family residential at 22 dwelling units per acre) to "R" (Single-family residential with minimum lot size of 7,200 square feet).

### **PRIOR BOARD OR COUNCIL ACTION**

On June 2, 2010, the Planning and Zoning Commission recommended approval of Zoning Case ZA10-4 by a vote of 8-0-0.

On August 3, 2010, City Council continued the first reading of Zoning Case ZA10-4 until the August 17, 2010 meeting. On August 17, 2010, City Council continued the first reading of Zoning Case ZA10-4 until the September 14, 2010 meeting.

On September 14, 2010, City Council approved the first reading of Zoning Case ZA10-4 by a vote of 9-0-0.

### **REQUEST**

The applicant is requesting a change in the zoning of property to "R" (Single family residential with a minimum lot size of 7,200 square feet) by approving a zoning amendment on a 0.180-acre tract of land zoned "MF22" (Multi-family residential at 22 dwelling units per acre); addressed at 211 West North Street and generally located north of West North Street and east of North Oak Street. No protest petitions have been received for this case.

### **ANALYSIS**

The Central Sector Plan designates the site as "Medium Density Residential", which allows for detached single family residences, duplexes, or townhomes with a density range of 5 to 12 units per acre. Appropriate zoning districts for Medium Density Residential include "R-1", "R-2", "D", and "TH".

Although the proposed zoning is not in conformance with the Central Sector Plan, it is consistent with the Plan's intent to provide detached single family housing in the area. In addition, the "R" zoning is less intensive than the existing land use, accurately represents the site's current condition, and is compatible with surrounding properties.

The subject site is currently developed with a single family detached residence, the site shares the north and east property lines with lots developed as single family detached homes, zoned "MF22". Multi-family developments are located across the streets to the west and south. The applicant has identified to continue the single family residential as the intended use. If this zoning is approved, the development must comply with the residential design standards.

### **FINANCIAL IMPACT**

None

**ADDITIONAL INFORMATION**

Attached:

Under separate cover:

Available in the City Secretary's office:

Ordinance with Exhibit A

Case Information with P&Z Summary

None

None

**STAFF CONTACTS**

Maria Sayas Carbajal

Planning Manager

Community Development and Planning

817-459-6661

[Maria.Carbajal@arlingtontx.gov](mailto:Maria.Carbajal@arlingtontx.gov)

Kevin Charles

Landscape Administrator

Community Development and Planning

817-459-6520

[Kevin.Charles@arlingtontx.gov](mailto:Kevin.Charles@arlingtontx.gov)

Ordinance No. \_\_\_\_\_

**An ordinance changing the zoning classification on certain property known as 211 West North Street to “R” (Single-family residential with minimum lot size of 7,200 square feet) by approval of zoning case ZA10-4; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.**

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case ZA10-4 and recommended approval of the specific use permit on June 2, 2010; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

The zoning classification of certain property known as 211 West North Street, described in Exhibit A, is hereby changed to “R” (Single-family residential with minimum lot size of 7,200 square feet) and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance immediately after the effective date of this ordinance.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the \_\_\_\_ day of \_\_\_\_\_, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the \_\_\_\_ day of \_\_\_\_\_, 2010, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City Council of the City of Arlington, Texas.

\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

\_\_\_\_\_  
MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY \_\_\_\_\_

ZA10-4

EXHIBIT "A"

BEING approximately 0.179 acres of land with frontage on North West Street, and is commonly known as Block 88, Lots 5 and 6 of the Original Town Addition, an addition to the City of Arlington, Texas;

AND being generally north of West North Street and east of North Oak Street with the approximate address being 211 West North Street.

# Case Information



**Applicant:** Greg Malone of John Tyler Homes

**Property Owner:** Melvane Moreno

**Sector Plan:** Central Sector Plan

**Council District:** 1

**Allowable Uses:** All uses in "R" (Single family residential with a minimum lot size of 7,200 square feet) zoning as itemized in attachment B.

**Development History:** The subject site is known as the southern 76-feet of Lot 5 and the southern 78-feet of Lot 6, Block 88 of the Original Town Addition. A replat will have to be approved and filed with Tarrant County prior to issuance of a building permit.

Previous zoning cases in the general vicinity in the past five years include:

Case No.	Location	Request	Disposition
Z06-20	South	"MF22" to "LP-MF-22"	Approved

## Adjacent Zoning/Land Use:

Direction	Current Zoning	Current Land Use
North	"MF22"	Single Family Residential
South	"DN-MF22"	Duplex
East	"MF22"	Single Family Residential
West	"MF22"	Multi-Family

**Transportation:** The proposed development has two points of access.

Thoroughfare	Existing	Proposed
North Oak Street	65-foot, 2-lane undivided local	65-foot, 2-lane, undivided local
West North Street	90-foot, 2-lane undivided local	90-foot, 2-lane undivided local

# Case Information

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<b>Traffic Impact:</b>	The proposed zoning change will generate similar traffic patterns and will not significantly impact the adjacent roadway systems.
<b>Water &amp; Sewer:</b>	Water and sewer services are available to the subject site.
<b>Drainage:</b>	The site is located within the Johnson Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.
<b>Fire:</b>	Fire Station Number 1, located at 401 W. Main Street, provides protection to this site. The estimated fire response time is 0.75 minutes, which is in keeping with recommended standards.
<b>School District:</b>	This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has not indicated the proposal has any impact on the school district.
<b>Notices Sent:</b>	
Neighborhood Associations:	Arlington C of C Downtown Develop. Arlington Neighborhood Council East Arlington Review Southeast Arlington Community Alliance WeCan (West Citizen Action Network) ACTION North Central Arlington Property Owners, Inc. Forest Hills HOA Forest Hills HOA Heart of Arlington Neighborhood Assn Meadow Oaks HOA Oak Hill Neighborhood Old Town Neighborhood Assn Stratford Court HOA Town North Neighbors
Property Owners:	16
Letters of Support:	0
Letter of Opposition:	0



# *Case Information*

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## **PLANNING AND ZONING COMMISSION SUMMARY:**

### **Public Hearing: June 2, 2010**

Zoning Case ZA10-4 (Moreno House – 211 West North Street)

Application to change the zoning on approximately 0.180 acres from “MF22” (Multi-family residential at 22 dwelling units per acre) to “R” (Single-family residential with minimum lot size of 7,200 square feet); 211 West North Street generally located north of West North Street and east of North Oak Street

Kevin Charles, Landscape Administrator, present this case.

Edward Gutierrez made a motion to approve Zoning Case ZA10-4. Seconded by Brandon Hill, the motion carried with a vote of 8-0-0.

**APPROVED**

# *Itemized Allowable Uses*



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## **Allowable Uses:**

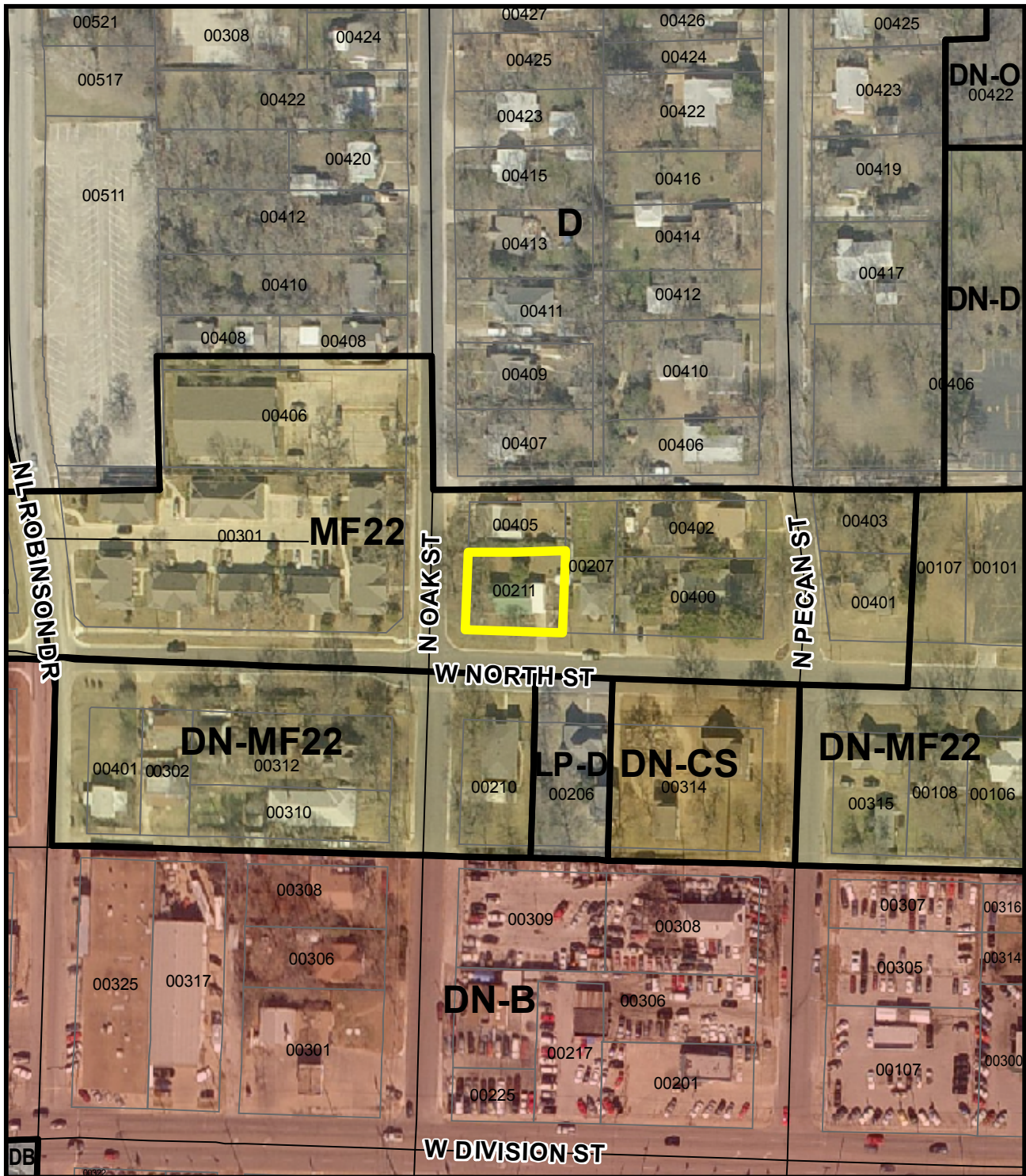
**“R” (Single-family residential with minimum lot size of 7,200 square feet)**

Permitted - Single family detached dwelling on minimum 7,200 square foot lots, church, government facility, public or private school, public park, playground or golf course, family home, personal care facility with maximum of six residents, foster family home, foster group home, transit passenger shelter, utility lines, towers or metering station, accessory garage-private, and accessory swimming pool-private.

Specific Use Permit (SUP) - College, university or seminary, day care facility, philanthropic institution, country club with golf course, yacht club or marina, bed and breakfast inn, personal care facility with seven or more residents, airport, heliport or landing field, accessory community center-private and gas drilling.

Special Exception (SE) - Temporary asphalt or concrete batch plant and temporary sand or gravel extraction.

Conditions (C) – Temporary construction field office, temporary construction storage yard, temporary real estate sales office, wireless telecommunication facilities, accessory building, secondary living unit, customarily incidental use.

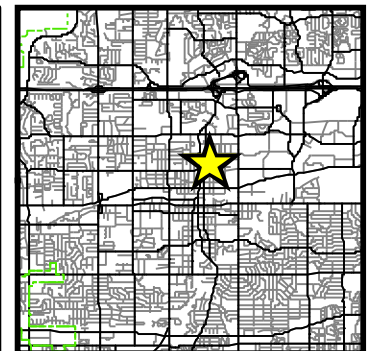


**LOCATION MAP  
ZA10-4**

**"MF22" TO "R"**

**0.180 ACRES**

N  
W E  
S





## **ZA10-4**

"MF-22" to "R"

North of West North Street and east of North Oak Street



View of subject site. View north.



View of subject site. View east.



View of adjacent multi-family property as seen from the subject site. View west.



View of adjacent residential uses located east of the subject site. View northeast.